

Detailed Action

Response to Amendment

1. Applicant's Remarks/Arguments filed on 4/15/2010 regarding claims 1-6, 8-9, 13-47, 50-54 have been considered. Claims 7, 10-12, 48-49 have been cancelled by applicant. Claims 1-6, 8-9, 13-47, 50-54 are currently pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Mr. William M. Lee, Jr., on 5/3/2010.

The application has been amended for the abstract of the instant application as follows:

Art Unit: 2471

ABSTRACT

(Fig. 2)

A method of monitoring quality of service in communications over a packet-based network, involves transmitting test packets across the network and monitoring transmission characteristics such as packet loss and transmission delay for the test packets. A measure of network performance is then dynamically calculated from the transmission characteristics, and is displayed at the endpoint as a dynamic indication of the network performance.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The present application relates to providing a method and system for monitoring quality of service in telephony communications over a packet-based network between two points, at least one of which is an endpoint, including the unique steps of:

“dynamically calculating from said transmission characteristics a measure of network performance comprising a measure of packet loss by comparing the packets issued from the source location and the packets received back at the source location, using the measure of packet loss and the identity of the communications codec being employed by the endpoint to calculate an equipment impairment factor (le); and providing at said output of said telephony device a dynamic indication of said equipment impairment factor (le) during said telephony session.”

The present application also relates to providing a method for monitoring quality of service in telephony communications over a packet-based network between two points, at least one of which is an endpoint, including the unique steps of:

“dynamically calculating from said transmission characteristics a measure of network performance; providing at said output of said telephony device a dynamic indication of the network performance based on said calculation during said telephony session; and logging the results of said calculation, including logging the fact that a communications connection over the network has been lost.”

The closest prior art, Beyda et al. (USP 6,590,869), discloses a method of monitoring and dynamically calculating an end-to-end round-trip transmission delay in a packet-based network between a source IP-telephony terminal and a destination IP-telephony terminal by transmitting test packet to the remote call processor while on-going call including the IP-telephony terminals are still in progress. However, Beyda fails to anticipate or render obvious the above quoted limitations of the present application. This renders the claims allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Mew whose telephone number is 571-272-3141. The examiner can normally be reached on 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chi H Pham/
Supervisory Patent Examiner, Art Unit
2471

/K. M./
Examiner, Art Unit 2471

Application/Control Number: 09/680,829
Art Unit: 2471

Page 7